REMARKS

The Applicant traverses all of the objections and rejections of the Office Action. Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks.

I. Response to Claim Rejections Based on Obviousness

In the Office Action, claims 1-29 have been preliminarily rejected as obvious under 35 U.S.C. § 103. Specifically claims 1, 15, and 27 has been rejected under 35 U.S.C. § 103 by U.S. Patent 6,337,767 to Takeuchi et al. (hereinafter, "Takeuchi") in view of U.S. Patent 4,806,776 to Kley (hereinafter, "Kley") in view of (U.S. Patent 3,710,128 to Kubisiak et al. (hereinafter, "Kubisiak") or U.S. Patent 5,914,784 to Ausschnitt et al. (hereinafter, "Ausschnitt")).

A. Claim 1

As discussed with the Examiner during a telephone interview with Examiner Seth and Applicant's Attorney Andrew Martin on 12/11/06, Applicant is attempting to focus the examination on the obviousness assertion of combining the reference Takeuchi in view

of Kley in further view of (Kubisiak or Ausschnitt). Applicant still maintains that the examination lacks the evidence, facts, or findings sufficient to establish a prima face case of obviousness. The Examiner bears the burden to show specific motivation to combine references, and to support the *motivation* for each combination, as well as the substance behind each rejection, with factual references.

The Examination has not provided any substance behind the obvious assertion merely a piece meal of elements from various references with no assertion of how one skilled in the art would appreciate combining the element or how to combine the various elements. The Examination makes vague references to combining general knowledge but does not make any specific reference as to what the Examination purports to be general knowledge thus preventing any discussion on the merits of the obviousness rejection.

The Office Action dated 9/28/06 also suggests that Kubisiak or Ausschnitt when combined with Kley provide the elements to support the obviousness rejection. However, neither Kubisiak nor Ausschnitt provides any teaching or suggestion otherwise. Applicant understands that rejections is Takeuchi in view of Kley

further in view of Kubisiak or Ausschnitt; however, neither Kubisiak nor Ausschnitt provide a response as to why someone skilled in the art at the time of the invention would be motivated and recognize a likelihood of success with the teachings of Takeuchi in view of Kley. Again the Examination makes vague references to combining knowledge of Kubisiak or Ausschnitt but does not make any specific reference as to what the Examination purports to be the knowledge of Kubisiak or Ausschnitt that supplies the missing support for an obvious argument thus preventing any discussion on the merits of the obviousness rejection.

The Office Action of 9/28/06, second paragraph of Section 7 references an image recording device being disclosed by Takeuchi; however, Takeuchi does not disclose an image recording device. The Applicant assumes the reference is directed to the ultraviolet ray detector (53), which converts ultraviolet light into an electrical signal; however, the converter does not record any information. Takeuchi does disclose displaying the electrical signal; however, again this is not disclosing recording any information. In additional, nowhere in Takeuchi is it disclosed the recording or even converting of visible light to an electrical

signal. Takeuchi only discloses observing the visible light via lens barrel 51. The Office Action of 9/28/06 references that Part (a), as broken down by the Examination, is clear taught by Takeuchi. However, as discussed above, Takeuchi does not teach all the elements of identified Part (a). Takeuchi does not suggest or have any motivation to separately record the visible light observed much less separately also record the ultraviolet light observed.

The Office Action than makes an additional larger logical leap that one skilled in the art would be motivated and foresee a likely chance of success in utilizing the teachings of Kley. Kley is directed to the visible spectrum. Kley discloses that different colors of illumination may be used, however, this teaching is limited to different illumination sources within the visible spectrum. Kley provides no suggestion of using ultraviolet light. Kley only provides specific examples of using select visible colors to contrast the visible colors of an object's surface. See 42, lines 57-70 of Kley. Kley discloses a bandpass filter for ultraviolet light placed in front of a camera to remove ultraviolet light for cameras sensitive to ultraviolet light in order to prevent unwanted noise. Kley actually teaches

away from the Office Action's assertion. An individual skilled in the art at the time of the invention would not be motivated by the teaching of Takeuchi to combine with Kley due to Kley suggesting a desire to remove unwanted ultraviolet light.

The office action dated 9/28/06 does not provide a response to the lack of support necessary to establish an obviousness rejection. The Examination references that the rejections in not simply Takeuchi in view of Kley but Takeuchi in view of Kley further in view of Kubisiak or Ausschnitt. However, the office action does not provide any specific reference to how Kubisiak or Ausschnitt curing this defect nor can the Applicant identify any teaching within Kubisiak or Ausschnitt that would support this assertion. If the rejection is relaying on Kubisiak or Ausschnitt to disclose, teach, or suggests the elements that would support a motivation or a likelihood of success in combining Takeuchi in view of Kley, the examination must provide what it asserts an individual skilled in the art would glean from the references.

The examination has failed to establish a prima face basis for obviousness; the Examiner bears the burden to show the factual basis of the rejection. In re Warner, 379 F.2d 1011, 389 U.S. 1057 (1968). Such basis must be both factually sufficient, and

reasonable. Clearly the references are not combinable, and any rejections based on their combination under 35 USC 103 should be withdrawn, the claims should be allowed, and their allowance is hereby requested.

B. Claims 15 and 27-29

As previously discussed with regard to claim 1, Takeuchi in view of Kley further in view of Kubisiak or Ausschnitt does not establish a prima face basis for obviousness in combining references Takeuchi in view of Kley. Neither U.S. Patent 5,914,784 to Ausschnitt et al. or other references cited in the office action cure the above deficiencies. Therefore, the rejection of claims 15 and 27-29 should be withdrawn and claims 15 and 27-29 allowed.

C. Claims 2-4, 6-7, 9-14, 16, 18-19, and 21-26

The Applicant respectfully submits that since claims 2-4, 6-7, 9-14, 16, 18-19, and 21-26 depend on independent claims 1 and 15, respectively; claims 2-4, 6-7, 9-14, 16, 18-19, and 21-26 contain all limitations of independent claims 1 and 15, respectively. Since independent claims 1 and 15 should be

allowed, as argued herein, pending dependent claims 2-4, 6-7, 9-14, 16, 18-19, and 21-26 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-4, 6-7, 9-16, 18-19, and 21-29 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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